

REMARKS

Reconsideration of this application in light of the above amendments is courteously solicited.

New claims 26-33 are drawn specifically to the embodiment of the cutting-nozzle element shown in Figure 2 of the drawings filed with the instant application and described on Pages 9-12 of the instant specification. Specifically, the claims are drawn to a hollow cutting-nozzle body having at least one nozzle extending radially with respect to a longitudinal axis of the nozzle body. A shut-off element is movable within the hollow nozzle body between first and second positions for selectively feeding fluid under pressure to the radially extending nozzle. The prior art reference cited by the Examiner in the office action dated November 14, 2002 fails to teach, disclose, suggest or render obvious the particular structure set forth in independent claim 26 and dependent claims 27-33 which depend either directly or indirectly therefrom.

In addition to the foregoing, it is submitted that new claims 26-33 comply with all the formal requirements of 35 U.S.C. 112, second paragraph.

It is respectfully requested that each of the dependent claims be considered by the Examiner as containing allowable subject matter in their own right.

Claim 27 specifically sets forth means for reciprocating the shut-off element to provide a pulsed feed of fluid to the radial nozzle. The prior art fails to teach, disclose or suggest the structure. Claim 28 further defines the means for reciprocating. Claim 29 defines the means for selectively feeding fluid under pressure to the shut-off element for moving the shut-off element in a second direction. Dependent claim 30 defines the fluid motor means which forms the means for selectively moving the shut-off element. Dependent claims 32 and 33 further define the fluid motor means. None of the prior art references taken alone or in combination teach, disclose, or suggest the combination of elements now set forth in claims 26-33.

In light of the foregoing, it is submitted that the claims patentably define over the art of record and an early indication of same is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to

telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

MICHAEL BUTSCH ET AL.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231

on February 14, 2003
(Date of Deposit)
Rachel Piscitelli
Name and Reg. No. of Attorney
[Signature]
Signature
February 14, 2003
Date of Signature

By

[Signature]
Gregory P. LaPointe
Attorney for Applicants
Reg. No. 28,395
Tel: (203) 777-6628
Fax: (203) 865-0297

Date: February 14, 2003